

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN**

Wisconsin Resources Protection Council,
Center for Biological Diversity, and Laura
Gauger,

Plaintiffs,

Case No: 11-cv-45

v.

Flambeau Mining Company,
Defendant.

AFFIDAVIT OF THOMAS JEROW

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

Thomas Jerow, first being duly sworn, deposes and states:

1. My name is Thomas Jerow.
2. I have a Bachelor of Science degree in Soil Science from University of Wisconsin Stevens Point in 1979.
3. I have worked for the Wisconsin Department of Natural Resources (“WDNR”) since 1980. I am currently the Regional Water Leader for the Northern Region of the WDNR. I have held that position since 2004. From 1994 to 2004, I was a water basin leader in Central Wisconsin. In both of these positions, I supervised staff in the WDNR storm water program.
4. I am familiar with the WDNR’s regulation of Flambeau mine, which is located in the Northern Region.
5. I am familiar with the Wisconsin Pollutant Discharge Elimination System (“WPDES”) program for storm water, particularly NR 216.21(4)(a) of the Wisconsin

Administrative Code, which allows for the use of a permit or approval from other WDNR programs instead of a formal WPDES storm water permit.

6. I am aware of the above-captioned lawsuit which involves discharges of storm water and the WPDES storm water program.

7. I have been made aware of the following claim made in that lawsuit:

In any event, WDNR has disavowed any notion that Defendant's 1991 Mining Permit or 1998 Modification either (a) authorized stormwater discharges from the Flambeau Mine site, including from the Biofilter, or (b) are "permits issued pursuant to" CWA § 402 or even pursuant to Wisconsin's EPA-approved NPDES permit program. PPFOF ¶¶ 232-235.

8. The above claim is not correct.

9. WDNR currently regulates Flambeau Mine storm water discharges through the use of NR 216.21(4)(a), which is a part of WDNR's WPDES storm water regulatory framework.


Thomas Jerow

Subscribed and sworn to before me
this 6th day of December, 2011.


Notary Public

My commission: is permanent

